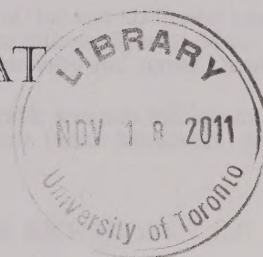


SENATE



CANADA

SÉNAT



# DEBATES OF THE SENATE

1st SESSION

• 41st PARLIAMENT

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OFFICIAL REPORT  
(HANSARD)

Tuesday, October 25, 2011

The Honourable NOËL A. KINSELLA  
Speaker

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## THE SENATE

Tuesday, October 25, 2011

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### THE HONOURABLE FRANCIS WILLIAM MAHOVLICH

##### CONGRATULATIONS ON RECEIVING HONORARY DOCTORATE

**Hon. Terry M. Mercer:** Honourable senators, we in this place come from a variety of backgrounds and areas across the country. Some of us are teachers, some are lawyers, and others are farmers. Then again, some of us are hockey players.

In late September, our good friend and colleague Senator Frank Mahovlich received an Honorary Doctorate of Sacred Letters from Huntington University, a federated university of Laurentian University in Sudbury.

**Hon. Senators:** Hear, hear!

**Senator Mercer:** Now, the "Big M" — I suppose we could now call him the "Big Dr. M" — holds not one but two honorary degrees, the first being an Honorary Doctorate of Laws bestowed upon him in 2002 by St. Francis Xavier University in Antigonish, Nova Scotia.

Honourable senators, if you have ever travelled across the country with Senator Mahovlich on committee work, you will know that members of the public come to the meetings to hear what he has to say. They all seem to be carrying hockey sticks, books, posters, and other such items and, of course, pens for Senator Mahovlich to autograph them with. He is always very accommodating.

A couple of years ago, the Standing Senate Committee on Agriculture and Forestry ended up in a small town in Western Canada. There were three motels in the town and, for some reason, we ended up in the least desirable of them. As Senator Mahovlich opened the door to his room he said, "I haven't been in a place like this since I played midget hockey."

However, everywhere we went, people lined up to see Senator Mahovlich.

Honourable senators, I need not tell you how much Senator Mahovlich has accomplished in his life or the effect he has had on his community. Winner of six Stanley Cups, the Big Dr. M is also a member of the Order of Canada, a recipient of the Order of St. Michael and, of course, a member of the Hockey Hall of Fame, the Sports Hall of Fame and the Ontario Sports Hall

of Fame. As a result of this and his tireless support of charitable and community organizations, Senator Mahovlich continues to be a leader in his community and across Canada.

I know that honourable senators will join me in congratulating the Big Dr. M, Senator Frank Mahovlich, for his most recent accomplishment.

#### MR. RICK HANSEN, C.C.

##### TWENTY-FIFTH ANNIVERSARY RICK HANSEN RELAY

**Hon. Nancy Greene Raine:** Honourable senators, after Rick Hansen's injury as a teenager, he became passionately involved in wheelchair sports and was the first person in a wheelchair to graduate in Physical Education at UBC. Rick competed internationally, winning 19 wheelchair marathons and four world championship gold medals. As he travelled the world to compete, Rick saw that disabled people everywhere faced similar physical and mental barriers and this became the motivation for his epic Man In Motion World Tour, to raise awareness.

There is no doubt that Rick Hansen has made a difference, and his promotion has helped make Canadian communities more accessible for people in wheelchairs. Now, 25 years later, Rick and the people working with him through his foundation are as passionate as ever about improving the health of people with spinal cord injuries.

The Rick Hansen 25th Anniversary Relay began on August 24, 2011, in Cape Spear, Newfoundland and will end in Vancouver on May 22, 2012. The tour is following Rick's original route and will engage Canadians in 600 communities from coast to coast.

Focusing on engaging Canadians to become catalysts for positive change, the relay participants are medal bearers who will run, walk, wheel or bike and complete their segments through a variety of forms of movement for all abilities. In populated areas, they will cover an average distance of 250 metres, while in less populated areas, to cover long distances between communities, the Rick Hansen medal will be carried by a medal bearer in endurance mode. The tour will also feature some of Canada's innovative transportation modes including hand cycle, snowmobile, adaptive rowing and a variety of others.

The twenty-fifth anniversary tour will make some special stops to take his message to special communities. Rick already visited Iqaluit on September 25 and 26. He also visited Canadian Forces Base Halifax on September 16. I am hoping to entice Rick to visit my hometown of Sun Peaks to see the wonderful adaptive ski program we are running there.

Each day the relay will conclude with an end-of-day celebration in which communities will recognize their own "difference makers," thereby raising awareness about accessibility and inclusiveness and inspiring a new generation to take action to help make the world a better place.



Honourable senators, I invite you to join me in expressing our appreciation for the work that Rick is doing. There will be a ceremony at five o'clock tonight hosted by the Speakers of the House of Commons and the Senate. Tomorrow, we will see the relay arrive on Parliament Hill at around 5:30.

Please wish Rick and all his team the best of success as they make their way across Canada.

### THE HONOURABLE JOYCE FAIRBAIRN

#### CONGRATULATIONS ON INDUCTION INTO PARALYMPIC HALL OF FAME

**Hon. Jim Munson:** Honourable senators, I am happy to share the news that one of our colleagues has received an important honour. On Friday evening, Senator Joyce Fairbairn was inducted into the Paralympic Hall of Fame in the capacity of a "builder."

**Hon. Senators:** Hear, hear!

**Senator Munson:** I had the pleasure of attending the ceremony and watching my dear friend receive the award from another friend, former Senator Vim Kochhar. The MC for the ceremony was well-known Paralympic wheelchair racer Chantal Petitclerc, who described being at various Paralympic games and when turning her eyes to the crowds being able to spot Joyce.

For years Senator Fairbairn has been pushing for funds and raising awareness for Paralympics. She has truly become the godmother of the movement. Wherever the Paralympic Games are held, summer or winter, you can be sure that Joyce will be there cheering on the athletes.

I remember sitting with Senator Fairbairn at the 2010 Winter Games in Whistler at the moment that the entire sledge hockey team made its way to the blue line and raised their sticks in her honour. The athletes, their families and coaches love her and appreciate the positive impact she has had on their lives.

Senator Fairbairn's involvement with the movement began in 1998 when Sheila Copps, the then Minister of Canadian Heritage, asked her to represent Canada at the Nagano Paralympic Games. This turned out to be a defining moment. In her tribute to Senator Fairbairn, Ms. Copps said:

I shouldn't have been surprised that Joyce was willing to pick up the Paralympic torch, so to speak. She has always been at the forefront of fighting for those whose voices are often marginalized, ignored or disregarded —

— and that includes in literacy.

• (1410)

Joyce was born in Lethbridge, Alberta. She became a journalist and eventually joined the bureau of United Press International — that was a long time ago. She also worked for former Prime Minister Trudeau, who later recommended her appointment to the Senate. It is a familiar path, I must say. It is also as distinct as the woman herself.

[ Senator Raine ]

Senator Joyce Fairbairn is determined, caring and focused in helping people realize their greatness. Her contribution to the Paralympic movement is a gift to all of us, and I am proud to call Joyce my friend and congratulate her on this recent honour.

**Hon. Senators:** Hear, hear!

### WAR OF 1812

#### ROLE OF 104TH REGIMENT, NEW BRUNSWICK

**Hon. Carolyn Stewart Olsen:** Honourable senators, I rise today on the anniversary of a great Canadian victory. One-hundred and ninety-eight years ago, a force consisting of French Canadian regulars, local militia and warriors from the Mohawk Nation decisively defeated an American army on the banks of the Châteauguay River. This victory forced the Americans to abandon their campaign to capture Montreal in 1813. Had the war ended differently and had the American invasion not been repelled, Canada, as we know it, would not exist.

Our history cannot be forgotten; it is written in the essential fabric of our national identity. Martin Luther King Jr. once said: "We are not makers of history. We are made by history."

Canada's victory in the War of 1812 helped decide who we are today, what side of the border we live on, and which flag we honour. In forgetting our old fights and conflicts, Canadians came together in a common cause. The peoples in Canada — English, Scottish, Irish settlers, French, Acadians and many diverse First Nations — all came together to fight for our country. Rudyard Kipling once said, "If history were taught in the form of stories, it would never be forgotten," so let me tell you a story.

New Brunswick has always been a rural province with thick, impenetrable forests and harsh winters. When war broke out in 1812, there was no road linking the imperial hub in Halifax with the Canadian interior. When the rivers froze in the winter, all communications had to be taken over land through New Brunswick.

Recognizing the strategic importance of this route, a full line regiment of the British army was raised locally in New Brunswick. The regiment was named the 104th and was quartered in Fredericton, Saint John, St. Andrews and many small outposts throughout the province. When the war began, the British were desperate for troops. The 104th was called up in the winter to march to Ontario to help bolster the desperate defence of Canada.

The regiment set out on snowshoes from Fredericton, one company following the other, in temperatures averaging minus 31 degrees. The detachment arrived in Quebec in mid-March, having travelled 550 gruelling kilometres through the wilderness in only 24 days. After two weeks in Quebec, the 104th resumed their march, reaching Kingston in April, a total of 1,125 kilometres.

Honourable senators, the story of the 104th is the story of Canada. The regiment was composed of English, Scottish, and Irish settlers, as well as free Blacks, French and Acadians. The regiment would not have been able to complete the march without the aid of the Acadians and First Nations guides.



The best existing account of the war comes from Lieutenant John Le Couteur, a man who spoke French, having been born off the coast of Normandy on Jersey Island. The privation that Le Couteur describes is beyond our comprehension. He relates many common occurrences: men sitting around small fires, cooking frozen chunks of badly salted pork skewered on twigs; men wearing threadbare greatcoats and moccasins swapped from First Nations traders; and men lying freezing in open-roofed shelters made of branches and snow. With their threadbare uniforms and worn-out woollens, these men continued by snowshoe, carrying their equipment on toboggans.

Not one man died along the route. This is partly because of the assistance the soldiers received from First Nations peoples, Madawaskans, Québécois and other settlers. People offered to the soldiers clothing, food and, perhaps most importantly, shelter and guides through the wilderness.

Honourable senators, we should not forget the brave men at Châteauguay and the 104th.

**The Hon. the Speaker:** The honourable senator's time has expired.

#### INTERFAITH FORUM ON FAITH & CLIMATE

**Hon. Grant Mitchell:** Honourable senators, I would like to draw your attention to the work of the Canadian Interfaith Forum on Faith & Climate and its call to action on climate justice.

This interfaith committee on climate change is a coalition of faith groups, including representatives from the Muslim, Christian, Jewish, Baha'i, Evangelical, Hindu, Quaker, Mennonite and Buddhist faiths, as well as many others. Leaders in this movement include Mardi Tindal, Moderator of the United Church of Canada; Dr. Karen Hamilton, General Secretary of the Canadian Council of Churches; Dr. Mishka Lysack of the University of Calgary; and Mr. Joe Gunn of the Citizens for Public Justice.

Increasingly, religious leaders in our country are coming to understand that climate change is a profound threat to humankind and that there is a deep moral obligation founded on religious principles to take care of the planet.

The interfaith forum gathered in Ottawa this week for a convention to discuss the religious and moral implications of climate change and what can be done by people of faith to advance action on climate change. They also announced their official call to action on climate justice. The agenda included a series of panel discussions, including religious leaders and parliamentarians. Presentations were focused in various ways on the question: Can the faith community change the climate?

The message from each faith representative was clear: Climate change is occurring; human activity is causing it; and we have a moral obligation, founded in religious principles consistent throughout the broadest range of faiths, to do something about it. Common to their presentations was a deep sense of intergenerational responsibility. Common to all faiths and to all people is that we work and dream for our children's future.

Honourable senators, I applaud the Canadian Interfaith Forum on Faith & Climate for its work to change the debate in Canada around climate change from one of division to one of action based on consensus. May we all heed its wisdom that ecological issues are moral, ethical and faith issues; and may we have the courage to address climate change as the universal moral challenge that it is.

#### MACDONALD-LAURIER INSTITUTE

##### CONGRATULATIONS ON WINNING SIR ANTHONY FISHER INTERNATIONAL MEMORIAL AWARD

**Hon. Linda Frum:** Honourable senators, I rise today to pay tribute to the Macdonald-Laurier Institute.

The Macdonald-Laurier Institute, as its name would suggest, is a non-partisan think-tank based in Ottawa and dedicated to the development of quality public policy in every area under federal jurisdiction. Although it is only two years old, it has just been recognized with an extremely prestigious award.

In April, it received the Sir Anthony Fisher International Memorial Award for excellence in think-tank publications, awarded by the Atlas Economic Research Foundation. The Fisher award celebrates the institute's best-selling and highly acclaimed book, *The Canadian Century: Moving out of America's Shadow*, that tells the story of how Canada wrestled successfully with its fiscal problems in the 1990s — a success many countries would like to emulate. More than 65 think-tanks in over 50 countries were in competition for this award.

I congratulate the think-tank and its managing director, Mr. Brian Lee Crowley, on this achievement, and I salute them for their ongoing efforts on behalf of Canada.

#### THE HONOURABLE FRANCIS WILLIAM MAHOVLICH

##### CONGRATULATIONS ON RECEIVING HONORARY DOCTORATE

**Hon. Marie-P. Poulin:** Honourable senators, I am proud to bring to your attention the recognition accorded recently to our colleague, the Honourable Frank Mahovlich. Our much-decorated hockey legend earned another feather for his cap when he received an honorary Doctorate of Sacred Letters from Huntington University, one of the federated colleges of Laurentian University in my hometown of Sudbury. This is in addition to an earlier honorary doctorate from St. Francis Xavier University, better known as St. FX, in Antigonish, Nova Scotia. The Huntington degree, conferred upon him last September 29, is the university's highest honour and a well-deserved tribute to our colleague's contributions to sports, politics and business.

• (1420)

On a personal level, it is gratifying to see northerners excel, and there have been so many: iconic figures such as world-renowned businessman Paul Desmarais; retired Supreme Court of Canada Justice Louise Charron; building contractor Robert Campeau;



Olympic swimmer Alex Baumann; Superior of the Sisters of Charity Rachel Watier; opera singer Stéphane Paquette; and writer Jean Éthier-Blais, just to name a few from all walks of life.

Frank's accomplishments are legendary to anyone acquainted with a hockey puck. During his 22-year career in the National Hockey League, he quickly made his mark, first as rookie of the year in 1958, and then with league records that entrenched him solidly in the annals of hockey history; induction to the Hockey Hall of Fame, induction to the Canada Sports Hall of Fame and induction to the Ontario Sports Hall of Fame.

For someone raised in Schumacher, near Timmins, Frank is a living example that one cannot only aspire to become excellent in his or her field, but actually make it to national hero through talent, determination, hard work and grit.

**Senator Munson:** A good shot, too.

**Senator Poulin:** As an ambassador for hockey, he continues to serve as a role model for young Canadians.

Honourable senators, please join me in congratulating our colleague Frank Mahovlich on this latest recognition.

**Hon. Senators:** Hear, hear.

## WOMEN'S HISTORY MONTH

### HONOURING WOMEN IN CANADIAN FORCES

**Hon. Yonah Martin:** Honourable senators, I rise to pay tribute to Women's History Month. Outside my East Block office windows are the bronze statues immortalizing the Famous Five, the trailblazers who in 1929 pushed Canada into the 20th century by forcing the Supreme Court to recognize women as persons.

This year we celebrate the contributions of women in the Canadian Forces. Their work ethic and contributions, first as field nurses and then as soldiers, aviators and marines, are testament to the significance of women in the Canadian military. These courageous Canadians fight alongside their male counterparts, wade through treacherous grounds and place their lives in danger. To you, women in the forces both past and present, I salute and thank you for your service.

[Translation]

On the battlefields and elsewhere, women have played a vital role in countless facets of our society. Take, for example, Mary Adams, a teacher and an inspiration, who paved the way for women in the fields of science and math; Victoria Cheung, the first female Chinese-Canadian doctor; or Robertine Barry, Quebec's first female journalist, who used her words to promote the values of equality. The vision, perseverance and courage of all these women and many others helped build the Canada we know today.

[English]

The marks left by these women have been washed away by a history which dismissed their achievements. Their narratives have been excluded from our textbooks but kept alive in the oral histories passed on through generations.

[ Senator Poulin ]

Author and historian Merna Forster grew up in Turner Valley, the same hometown as Ms. Laureen Harper. She heard these stories and was moved to capture them in text. In two volumes of *100 Canadian Heroines: Famous and Forgotten Faces*, she documents 200 remarkable women in our history who have forever changed our nation, transforming people's understanding of women's contributions in leadership, sciences, arts and more. Through writing, Merna hoped to rescue these trailblazers from obscurity and give them the recognition and place in history they rightly deserve.

Honourable senators, I stand here on the shoulders of these great women and those of the women from my own history and family.

[Translation]

I am inspired by my mother, Kye Soon Kim, who was born in 1937 during the Japanese Imperial occupation of Korea, which lasted 35 years. Korea was liberated in 1945, but torn apart by civil war a mere five years later. My mother was only 13 years old. She is a survivor, just like her own mother. My mother and people of her generation missed out on some great opportunities. "Do everything I never had the chance to do," she would always tell me.

[English]

"Do everything I never had a chance to do" is my mother's mantra.

### THE LATE HONOURABLE BARNEY DANSON, P.C., C.C.

**Hon. Michael A. Meighen:** Honourable senators, last Sunday morning in Toronto I had the honour, along with hundreds of others, to attend what was officially a funeral but in reality was a celebration of the remarkable life of a remarkable Canadian.

Barney Danson distinguished himself in business, in the military, most notably serving in Normandy with the Queen's Own Rifles, where he was wounded and suffered the loss of sight in one eye, and, equally important, in public life, holding a number of senior portfolios in the government of Pierre Elliott Trudeau.

After his return to private life, Barney Danson was a founder of the Katimavik Youth Program and instrumental in the creation of our wonderful new Canadian War Museum. As a former deputy chair of our Committee on National Security and Defence and chair of its Subcommittee on Veterans Affairs, it is Barney Danson's service to Canada's Armed Forces that I wish to underline in my remarks today.

Perhaps on another day other senators, including those opposite, would like to deal with other aspects of his career.

Many would agree with an opinion expressed by Peter C. Newman in 1992 when he said:

We've had 16 defence ministers over the past 25 years, and except for Barney Danson, none of them made much difference.



What a difference he made. As a Cold War-era defence minister between 1976 and 1979, Danson oversaw a reinvestment in our Armed Forces that he characterized as a renaissance compared to prior years of relative neglect. It was Minister Danson who initiated the process that led to Canada's purchase of the new CF-18 fighter aircraft, first delivered in 1985 and which, at the time, constituted the largest defence procurement in Canada's history. In this and in his other procurements, such as the replacement in 1977 of 12 of Canada's 24 frigates, Minister Danson encouraged the policy that industrial benefits for Canada are a part of every large defence contract, a practice that continues to this day.

Barney Danson's tenure as defence minister also saw an opening up of positions available to women in Canadian military service. As he remarked in 2002 in his memoirs entitled *Not Bad for a Sergeant*, he said:

Women are now an accepted part of the military and essential to maintaining the level of recruitment necessary for viable armed forces. They are no longer confined to providing support in traditional roles but rather perform virtually all the roles open to men.

A fervent believer in Canada's participation in international defence alliances and institutions, he once said:

NATO must surely rank as the most successful military alliance in the history of the world, for it ultimately achieved victory without a shot being fired. How different the history of the twentieth century would have been had Western powers stood up to Nazi Germany in the same way in the 1930s.

Barney Danson was proud of the fact that Canada's military is reflective of our rich ethnic, religious and linguistic diversity, but he also regretted what he saw as a general lack of interest in military matters during peacetime by large segments of government, media and the public.

Honourable senators, as we ponder his enduring legacy, which is reflected in the renewed excellence of our Armed Forces, we should pause and give thanks for the life and multiple contributions to Canada of one who, in the view of so many, was quite simply a great guy.

**Hon. Senators:** Hear, hear!

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a group, Living Courage Tour. They include in their group Chantal Mayanga Bilulu, Vernie Yocogan-Diano, Rachel Warden, Alfredo Barahona and Jim Davis.

On behalf of all honourable senators, welcome to the Senate of Canada.

• (1430)

Also, honourable senators, as part of one of our own programs, I wish, in your name, to welcome the member participants in our Parliamentary Officers Study Program.

Welcome to the Senate of Canada.

## ROUTINE PROCEEDINGS

### AUDITOR GENERAL

#### CERTIFICATE OF NOMINATION TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the Certificate of Nomination of Mr. Michael Ferguson for the position of Auditor General of Canada.

[Translation]

### MENTAL HEALTH COMMISSION

#### 2010-11 ANNUAL REPORT TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2010-11 Annual Report of the Mental Health Commission of Canada.

### THE SENATE

#### NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE MICHAEL FERGUSON, AUDITOR GENERAL, AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN NINETY MINUTES AFTER IT BEGINS

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting, I will move:

That, at the end of consideration of Government Bills on Tuesday, November 1, 2011, the Senate resolve itself into a Committee of the Whole in order to receive Mr. Michael Ferguson respecting his appointment as Auditor General of Canada;

That the Committee of the Whole report to the Senate no later than ninety minutes after it begins.

### AUDITOR GENERAL

#### NOTICE OF MOTION TO APPROVE APPOINTMENT

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting, I will move:

That, in accordance with subsection 3.(1) of the *Auditor General Act*, R.S.C. 1985, c. A-17, the Senate approve the appointment of Michael Ferguson as Auditor General of Canada.



[English]

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. W. David Angus:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5 p.m. on Tuesday, October 25, 2011, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I would not want to say that this is becoming a habit. However, could the honourable senator explain the reason for this request?

**Senator Angus:** Absolutely. I must admit I did read the honourable senator's mind in that case. It is the third time in four weeks. I think it is just a matter of happenstance that for the third time a minister of the Crown has agreed to come before our committee in connection with our national energy study. It is the Minister of Aboriginal Affairs and Northern Development, the Honourable John Duncan, who is apparently on a tight schedule. He has agreed to come at five o'clock for half an hour. I was hoping that we would not miss him.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

## QUESTION PERIOD

### PUBLIC SAFETY

#### REPORTS ON CORRECTIONAL SYSTEM

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate, and it relates to an issue that I have discussed with her on a couple of occasions. It has to do with a couple of outstanding studies.

In 2007, there was a study commissioned by federal, provincial and territorial ministers to look at the changing face of corrections. That report was received by the government in

2009. It has never been released. I asked about the report approximately a year ago, and it has still not been tabled.

I also asked, on September 27, about another study, which was reported to the Department of Justice. It was also received in 2009 and it had to do with the so-called Truth in Sentencing Act.

I raised these reports with the leader on either September 27. The leader took them as notice. I raised them again on October 6, and she said she would report on them after the Thanksgiving break. That was two weeks ago. I wonder if she could enlighten us as to the status of those two reports.

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator, and I did anticipate that he would soon ask this question.

I wish to report that I have again made a request, on the honourable senator's behalf, to the minister. I can only say that the minister has the request under consideration. There is nothing more, at the moment, that I can add.

**Senator Cowan:** The leader will appreciate my concern. I do not want to debate the merits of the omnibus crime bill that is being pushed through the House of Commons. I think time allocation has been, or will be, imposed. We can anticipate similar pressure when that bill arrives here. Obviously, the more information we have in advance of the bill getting here, the better we will be able to deal with it expeditiously. I hope she will explain to the minister that if he does not provide the information at the beginning, it will only delay the outcome at the other end.

**Senator LeBreton:** I thank the honourable senator. I will absolutely make the honourable senator's concerns known to the Minister of Justice.

## ATLANTIC CANADA OPPORTUNITIES AGENCY

### APPOINTMENTS

**Hon. Terry M. Mercer:** Honourable senators, according to a report published last week, the minister responsible for the Atlantic Canada Opportunities Agency, Bernard Valcourt, made an announcement last Wednesday that Ottawa was eliminating 100 positions at ACOA. He said the agency identified cost savings through cuts to jobs, as well as through other measures, including hiring fewer consultants.

However, in late September, former MLA and provincial cabinet minister, and failed federal Conservative candidate, Cecil Clarke, landed himself a new job as a consultant at the Cape Breton County Economic Development Authority. He is being paid through the Enterprise Cape Breton Corporation to the tune of \$135,000. It should be noted that the Enterprise Cape Breton Corporation reports to Parliament through the minister responsible for ACOA.

Could the leader explain why ACOA is slashing public service jobs to save money but is shelling out thousands of dollars to hire a failed Conservative candidate?



**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator. As I mentioned last week, ACOA has undertaken, as have all the government agencies and departments, a review to ensure that taxpayers' dollars are wisely spent. These reductions will not take away from the services being provided to entrepreneurs or communities of Atlantic Canada. Of course, the recent shipbuilding announcement is further evidence of the government's commitment to jobs in Atlantic Canada.

• (1440)

**Some Hon. Senators:** Hear, hear.

**Senator LeBreton:** It is worth noting that the government's decision to have an arm's-length proposal did, in fact, end up with the result that the best bids won, and the government has now set a new standard for procurement from here on in.

With regard to the honourable senator's claim about a former candidate and former MLA, as a member of the government I am unable to comment on staffing decisions made by a local economic development organization. The Cape Breton County Economic Development Authority is, and always should be, responsible for its own hiring.

#### VISITOR TO THE SENATE

**The Hon. the Speaker:** I would like to interrupt Question Period, without drawing any time away from it, to draw to the attention of honourable senators the presence of Rick Hansen at the bar of the Senate. Mr. Hansen joins us on the occasion of the twenty-fifth anniversary of the Man In Motion World Tour.

On behalf of all honourable senators, we welcome you, Mr. Hansen, to the Senate of Canada.

**Hon. Senators:** Hear, hear!

#### ATLANTIC CANADA OPPORTUNITIES AGENCY

##### APPOINTMENTS

**Hon. Terry M. Mercer:** Honourable senators, it is interesting that the honourable Leader of the Government in the Senate talked about the arm's-length contract that was let for the ships. It is a game-changer for the City of Halifax and will help many people throughout Atlantic Canada.

**Some Hon. Senators:** Hear, hear!

#### NATIONAL DEFENCE

##### AIRCRAFT PROCUREMENT

**Hon. Terry M. Mercer:** You cannot have it at arm's length and then suddenly embrace it as your own after all is said and done. If you like the arm's-length aspect so much — you are taking me off my question, but I am coming back to it — why are we not buying jets the same way?

**Some Hon. Senators:** Oh, oh!

**Senator Mercer:** What is good for the Royal Canadian Navy should be good for the Royal Canadian Air Force as well.

**Some Hon. Senators:** Hear, hear!

**Senator Mercer:** Back to my question, honourable senators. The list does not stop with just Mr. Clarke; no, no. Over the past number of years, several high-profile Conservatives have been getting quite the handout from the government.

John Lynn, a well-known acquaintance of Minister MacKay and a former Sobeys executive, was hired to head Enterprise Cape Breton when Minister MacKay was responsible for ACOA.

Kevin MacAdam, a former Minister MacKay staffer and former cabinet minister in Premier Binns' Conservative government in Prince Edward Island, won the job as Director General of Regional ACOA Operations in P.E.I., with a salary of \$133,000.

Patrick Dorsey was a senior adviser to Premier Binns before being named ACOA's vice-president for P.E.I. in 2007, again when Minister MacKay was ACOA minister.

Now we have Cecil Clarke.

I ask the leader again: Why is the government cutting jobs for hard-working Canadians who are helping the Atlantic provinces, while at the same time handing out high-paying jobs to failed Conservative candidates and their Conservative friends?

**Hon. Marjory LeBreton (Leader of the Government):** Well, I will not go there.

First, with regard to the F-35s, why do the honourable senator and his colleagues continue to question the F-35 program, which was started under their government? Why do they continue to act as if they want this contract on the F-35s to be cancelled? I keep hearing different things. We saw a cancellation in 1993, when the Liberal government cancelled the Maritime Helicopter Project. That cost Canadian taxpayers a billion dollars, and we are still paying.

With regard to the hiring at ACOA, the federal public service staffing process does not allow for any political consideration or interference. As a federal department, ACOA is bound by the Public Service Employment Act and, as I mentioned a moment ago, they are responsible for their own hiring.

**Senator Mercer:** It should be noted that we agreed only to the development stage of the F-35 program. As one goes down the road, one discovers more things about the F-35. We could have a whole debate here some afternoon about the F-35 because there is a lot to talk about.

When our colleague Senator Eggleton was Minister of National Defence, it was agreed to do the development stage. In that stage there were some good spinoffs for the industry in Canada, which is not part of the deal that you people are striking now. It is a bad deal for the air force and for the aerospace industry, and it is a bad plane.



**Senator LeBreton:** All these things that were good about the program are now bad. However, the fact of the matter is that Canada needs military aircraft to protect its sovereignty. This is the correct aircraft, and it will eventually replace the CF-18s.

## FOREIGN AFFAIRS

### LIBYA

**Hon. Nancy Ruth:** Honourable senators, if I may, I would like to turn the topic to Libya and the rights and freedoms of girls and women.

The Canadian government has repeatedly said that we support the inclusion of women and girls and the protection of their rights and their dignity in the new Libya. Now that Sharia law will be the source of the country's laws, how specifically will our government do this?

**An Hon. Senator:** Great question.

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, Canada is very proud of its role in Libya in ensuring the liberation of their country. That being said, of course the Libyan people will make decisions on rebuilding the new Libya. The Canadian government expects that they will choose to respect human rights for all Libyans, including women and girls.

Obviously, the situation in Libya is still in the early days, but we will continue to press for human rights as they build their new government and absolutely recognize the rights of women and young girls.

**Senator Nancy Ruth:** Would it be possible for the minister to obtain a list from DFAIT of exactly how Canada intends to do this, and provide it to me?

**Senator LeBreton:** Absolutely. As the honourable senator knows, the Minister of Foreign Affairs was in Tripoli a few weeks ago. We have a functioning embassy now operating in Libya. I will forward the honourable senator's question to the minister and respond by written answer.

## ENVIRONMENT

### CLIMATE CHANGE STRATEGY

**Hon. Grant Mitchell:** Honourable senators, when it comes to the environment, the government has cut the ozone monitoring group; it has cut 776 people from the department; it has cut \$70 million from the department's budget; and now it has cut funding, after 35 consecutive years of funding, to the Canadian Environmental Network.

However, when it comes to prisons and the crime agenda, the government has found \$15 billion to build new prisons that will not work.

When the government was establishing the priority of the crime agenda over doing something about climate change, did it give any thought whatsoever to how much climate change is stealing

from Canadians already, not to mention what it will be stealing from Canadians in the years to come?

**Hon. Marjory LeBreton (Leader of the Government):** In answer to the honourable senator's question, the government has a clear plan on the environment with regard to climate change. We have a plan to meet our target of 17 per cent below 2005 levels by 2020.

• (1450)

As the honourable senator knows, we are moving to reduce greenhouse gas emissions with a sector-by-sector regulatory approach, and we have started with the transportation and electricity sectors, two of the largest sources.

We published regulations for new cars and light trucks in October of last year. In August we released the consultation document outlining the main elements of our greenhouse gas emission regulations for new, on-road heavy-duty trucks of 2014 model years and later.

**Senator Mitchell:** How would the government actually know how much progress it is making toward greenhouse gas reductions when the Commissioner of the Environment and Sustainable Development came out with a report that stated clearly that the government does not have the systems, management or technology in place to measure output and reductions in greenhouse gases, even if it wanted to? Of course, the government has no intention of ever wanting to do so.

**Senator LeBreton:** As the honourable senator knows, and as I have said in answer to other senators, the government is reviewing all government spending to ensure that it is effective and efficient in responding to the priorities of Canadians.

Environment Canada — and I think the minister has made this clear — is moving toward direct, web-based consultation. The department already has a number of web pages dedicated to public participation and consultation that invite stakeholders to submit ideas or policy options on the government's environmental priorities.

We continue to monitor the ozone layer, and we are not closing the World Ozone and UV Radiation Data Centre.

**Senator Mitchell:** Honourable senators, obviously the leader did not check the websites. I did. Is the leader aware that the website for interaction, dialogue and input that she speaks of offers only the ability for Canadians to comment on regulations?

Is the leader telling us that she knows of another website somewhere else that no one can find — at least we could not — that allows Canadians to give input on the range of environmental issues? In fact, they will no longer have the opportunity to provide that input because the Canadian Environmental Network has practically been shut down by the government's lack of funding?

**Senator LeBreton:** If the honourable senator had listened to my previous answer, I just said that Environment Canada is moving towards direct, web-based consultations. There is still some work to do. I would ask that the honourable senator show some patience.



**Senator Mitchell:** The government press releases say that it actually exists, so they are misleading us again.

Honourable senators, the National Round Table on the Environment and the Economy report said that climate change is already costing upwards of \$5 billion a year and that it will escalate to over \$40 billion in a number of years. Has the government factored in the cost of climate change, not only to Canadians and business generally, but also to government revenues, and taken account of what impact it will have on their ability — I would argue inability — to balance their budget sometime this side of never?

**Senator LeBreton:** Honourable senators, with regard to the report of the National Round Table on the Environment, a number of organizations are disputing it, and it is just that: one group's opinion.

**Senator Mitchell:** When the government assesses the cost of climate-change-driven disasters like the Slave Lake fire, the dying forests, the dying fisheries on the West and East Coasts, and floods and drought, have they given any thought whatsoever to value for money, the \$15 billion we could put into climate change mitigation and adaptation rather than into building prisons? Prisons will not reduce costs to Canadians, but only increase them, because they help to increase crime.

**Senator LeBreton:** The honourable senator talks about great disasters. One of the greatest disasters on the environmental front was the signing of the Kyoto Protocol by his government, which it had no intention of living up to, and which all major emitters did not sign on to.

[Translation]

## CANADIAN HERITAGE

### OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. In 2003, the Government of Canada established the position of Minister Responsible for Official Languages. It was a decisive step forward for official language minority communities.

Then the Official Languages Branch was created within the Privy Council Office, the Prime Minister's department, in order to support the Minister Responsible for Official Languages in coordinating official languages programs.

On April 1, 2006, shortly after coming to power, the new Conservative government quickly decided to close this branch so that the Prime Minister could dissociate himself from the official languages file. Responsibilities were transferred from the Privy Council Office to the former secretariat, which already existed at Canadian Heritage.

When the Commissioner of Official Languages submitted his report to Parliament last week, one of the most critical findings was the lack of coherence and uneven application of the Official

Languages Act from one department to the next, which most likely is attributable to the move of the Official Languages Branch from Privy Council to Canadian Heritage.

It is obvious that this move has considerably weakened the authority and decision-making power that the Official Languages Secretariat had when it was part of the Privy Council Office.

What does the government plan on doing to remedy this serious problem of governance, which may explain the mediocre results achieved by certain federal institutions and departments with respect to the application of the Official Languages Act?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I hope I did not hear Senator Tardif correctly when she said that the secretariat was transferred out of the Privy Council Office to what was then the Department of Heritage and the minister responsible for that department because the Prime Minister wanted to dissociate himself. If that is what she said, that is absolutely false.

Furthermore, the Commissioner of Official Languages indicated in his report that definite progress is being made and that there had been improvement in the number of institutions reporting, from 30 to 200. I do understand, thanks to questioning from Senator Champagne, that the Commissioner of Official Languages, in appearing before the Senate committee, had to be brought up to date in that of the five-year roadmap for official languages, we are only in year three. We still have two years to go. I hope that the Commissioner of Official Languages will start to work with the facts as they are rather than as reported in newspapers.

[Translation]

## OFFICIAL LANGUAGES

### PROMOTING LINGUISTIC DUALITY

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** I have a supplementary question. I will not address the minister's comments just yet because I believe this merits a supplementary question.

It is hard to accomplish anything when people keep denying, year after year, that there are serious problems in the application of the Official Languages Act within federal departments and agencies. This government maintains there is no problem with the way it is addressing the challenges the communities are facing.

Unfortunately, it is this attitude that will prevent any improvement in the application of the Official Languages Act within our departments and agencies and among our official language minority communities.

Will the government commit to developing an implementation policy for the Official Languages Act that will provide the necessary coherence between all these departments and all these agencies?



[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the government has never said that this is a perfect situation and that there is no problem. We are making progress, as I have already said. The Official Languages Commissioner did indicate that progress is being made, and the number of institutions that report on their official languages obligation has increased from 30 to 200. As I have acknowledged before to Senator Chaput when she has asked these questions, there is still room for improvement. The government will certainly continue to seek these improvements.

• (1500)

I also notice that the Commissioner of Official Languages, after being questioned by a senator on this side about the Prime Minister's own personal commitment to official languages, used the word "exemplary" to describe that commitment.

**Senator Mockler:** Absolutely.

**Senator LeBreton:** Having said that, I will repeat again, the government will not change: We strongly support linguistic duality in this country. We have delivered and are providing unprecedented support in the *Roadmap for Canada's Linguistic Duality*. We are in year three of a five-year commitment to the roadmap.

Today, over 71 per cent of the commitments our government has made in the roadmap have been confirmed and funded. Our support includes new translation programs for book publishing, community radio and funding community groups that need support to operate.

We certainly do not say that our work is complete; it is not. However, we do say that we have made great strides — more, I dare say, than any other government in the past.

[Translation]

**Hon. Maria Chaput:** I have a supplementary question to that of Senator Tardif.

When we talk about the roadmap, I think it would be important for the communities to receive an evaluation of what has been done so far and to then look at what is planned for the next two years before renewing the roadmap. This would allow for consultation between the government and the communities.

Since that is the government's intention, does the leader not believe that it would be a good idea to have some sort of re-evaluation right now, in consultation with the communities, to address the situation and then allow for a new roadmap?

[English]

**Senator LeBreton:** I must say that the minister responsible continues with monitoring and progress reports. I dare say that no one would embark on a program without having follow-up.

However, it would be nice if perhaps the Commissioner of Official Languages understood that we are only in year three of our five-year roadmap plan.

**Senator Mockler:** Rather than year five. There are two more years left.

[Translation]

**Senator Chaput:** In his report, the Commissioner of Official Languages recommended that the Treasury Board be given more responsibility since it is already responsible for reviewing official language policies.

Can the leader tell us whether the government would be prepared to consider giving the Treasury Board of Canada more responsibility?

[English]

**Senator LeBreton:** Honourable senators, I will not comment specifically. However, we always respond and do take seriously the recommendations and suggestions that are made by officers of Parliament. At this time, I do not know whether or not the government will decide to go that route, but I wish to assure honourable senators that all recommendations by all officers of Parliament are taken seriously by the government.

[Translation]

## ANSWER TO ORDER PAPER QUESTION TABLED

### TRANSPORT—FINANCIAL SUPPORT FOR CANADA'S AIRPORTS

**Hon. Claude Carignan (Deputy Leader of the Government):** tabled the answer to Question No. 10 on the Order Paper—by Senator Downe.

## ORDERS OF THE DAY

### FEDERAL LAW—CIVIL LAW HARMONIZATION BILL, NO. 3

#### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Lang, for the second reading of Bill S-3, A third Act to harmonize federal law with the civil law of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

**Hon. Céline Hervieux-Payette:** Honourable senators, I would like to give a little background on how this bijural system came to be.

Since its creation in 1867, Canada is founded on a political compromise between two founding nations that gave an equal status to distinct legal traditions both expressed in two official languages. In order to fulfill these ideals, however, Canadian



jurists must assimilate two legal cultures and languages, an expertise far from reach for everyday citizens, and probably even for a majority of jurists themselves who work in provinces that are not necessarily bilingual.

We may recall the witticism of George Bernard Shaw:

[English]

England and America are two countries separated by a common language.

[Translation]

When it comes to Canada, I do not think that I need to mention our two languages and the problems they cause us. What may one say, then, justly asked the Honourable Pierre Viau, Justice of the Superior Court of Quebec, of our situation in Canada and more specifically in Quebec, where, within the course of one hearing, we switch from one language to another, from public law to private law, from Quebec legislation to federal legislation, and from civil law to common law.

Canada is a bijural country because it applies two bodies of common law in the private sphere; common law and civil law. The existence of two common laws may be explained by history and by the colonization of America by the English and the French. The colony was first subject to French law, then, following the British victory, of which we speak more often, to the English common law. The preservation of this legal duality in Canada resulted from the historical relationship of complementarity within which the common law and civil law continued and which was entrenched by the Quebec Act of 1774 and later on by the division of legislative powers provided for by the Canadian Constitution of 1867.

The Quebec Act specifically provided that French law applied to matters of property and civil rights and English law to matters of public and criminal law. The British North America Act divided legislative powers between the federal government and those of the provinces. Subsection 92(13) allowed for continued national legal duality by providing that property and civil rights would be under provincial jurisdiction. Quebec was thus able to preserve its civil law and the other provinces their common law.

By conferring on the provinces exclusive authority over property and civil rights, subsection 92(13) forms the basis of the complementary relationship between federal law and provincial private law.

However, legal drafting in these fields follows different fundamental structures. Moreover, as the Honourable Justice Viau maintains:

Two languages mean, first of all, two styles, at least as regards drafting. And more than that also. French law and English law are conceived differently. The same ideas are not concealed in the same fashion within words whose meaning and import are sometimes difficult to discern.

In this regard, he cites Louis-Phillipe Pigeon, who later on became Justice of the Supreme Court of Canada, and who describes this situation particularly well:

English legal style subordinates every consideration to the search for precision. It attempts to say all, define all, to intimate nothing, and to never assume the intelligence of the reader.

That is why French texts are generally longer than the English version, and why, in English style, concision is a primary goal. That being said, an attempt is made to formulate a general rule instead of enumerating multiple instances; specific instances are listed later, in the regulations.

In harmonizing federal legislation in light of the *Civil Code of Quebec*, the Department of Justice also noted that a harmonization of federal legislation was necessary, not only with just the new features of the Civil Code, but also with the Quebec Civil Code as a whole.

It is difficult enough to draft legislation in two official versions in a country that has only one legal system. But responding to the imperatives of institutional bilingualism and drafting bilingual legislation in a bijural context constitutes a real challenge.

• (1510)

In fact, adds the Honourable Justice Viau, it is easier:

... to discuss these questions in the abstract than it is to draft laws that exactly respect stated principles. The ideal system would have been to adopt not less than four official versions: a civil law version in French and in English, and two others based on common law. The cost would be prohibitive, given the number of laws affected.

I would only add how difficult it must be for judges to enforce the law with all these versions.

It was in this context that in June 1995, the Department of Justice adopted a policy on legislative bijuralism in which it has undertaken, whenever a federal bill or regulation concerns provincial or territorial private law, to draft each of the two versions of that legislation in a way that reflects the terminology, concepts and institutions specific to the two Canadian systems of private law.

The Standing Joint Committee for the Scrutiny of Regulations of the Senate and the House of Commons, which studies regulations, corrects either version when the spirit of the law is not upheld.

The Policy on Legislative Bijuralism thus acknowledges that the four Canadian audiences — civil law francophones, common law francophones, civil law anglophones and common law anglophones — must be able to read federal legislation in the official language of their choice and find its terminology and phrasing consistent with the legal system in effect in their province or territory.

Thus, Bill S-3 is the third bill to harmonize federal law with the civil law of Quebec. It clearly shows the openness of our confederation with respect to the two founding peoples, the anglophones and the francophones. It is not just a matter of



sentiment, but of fundamental rights. This is an important bill that protects the values and interests of Quebec and of other francophones throughout Canada and within the confederation.

Canada has the advantage of being one of the few countries in the world, if not the only one, to preserve a bijural and bilingual system. This legal and linguistic duality is evident primarily at the Supreme Court of Canada where three of the nine judges must be members of the Barreau du Québec, as the Quebec Civil Code is used by those who appeal to the Supreme Court. The bijural nature of our legal system is therefore enshrined in our fundamental law and I would add that the bilingual nature is at the very heart of the spirit of this law.

Honourable senators, I must stress that bilingualism is just as important as bijuralism in our legal system. Right now, there is no requirement, other than perhaps a moral one, for the nine judges sitting on the Supreme Court of Canada to be fluent in both of our country's official languages. Thus, we have had a number of unilingual anglophone judges.

According to the Young Bar Association of Montreal, which has spoken out in favour of having bilingual judges on the Supreme Court:

The judges in the highest court of the country must be able to consider both official versions when interpreting legislation and to issue rulings based on direct understanding of the documents and testimony before them . . .

According to the association, simultaneous interpretation does not provide enough reaction time to interrupt and ask questions, neither for the judges nor for the lawyers nor even for the defendants, who are entitled to grasp all the nuances and subtleties of each official language being used. Furthermore, the process becomes even longer when we factor in the translation of various documents, arguments and judges' opinions that are exchanged within the framework of preparing rulings.

Let us not forget that our Supreme Court justices are at the service of Canadian citizens first and that francophones and anglophones have to be equal before the bench, just as they are in our legal system.

Despite this flaw, Bill S-3 gives us the opportunity to show our attachment to a bijural system and our attachment to both our official languages and to express our respect for Quebecers and all other francophones across the country.

The coexistence in Canada of two major western legal traditions, civil law and common law, is the expression of our history and the will of our founding fathers.

As André Morel, a professor of law at the Université de Montréal, said, in order to respect these cultures, it is imperative that:

. . . everyone, regardless of his or her language and of the legal system of his or her province or territory, must be able to find the terminology and wording that are respectful of the concepts and institutions proper to the legal system in effect in his or her jurisdiction.

That is why, honourable senators, I am asking you to support Bill S-3.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

**The Hon. the Speaker pro tempore:** When shall this bill be read the third time?

(On motion of Senator Angus, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[English]

## LIBYA

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carignan calling the attention of the Senate to the deplorable use of violence by the Libyan regime against the Libyan people as well as the actions the Canadian Government is undertaking alongside our allies, partners and the United Nations, in order to promote and support United Nations Security Council Resolution 1973.

**Hon. Pamela Wallin:** Honourable senators, these are remarkable days in the Middle East, in the Arab world, where we continue to witness the so-called "Arab Spring" with its outcome still very uncertain. We do not yet know if freedom and democracy will ultimately prevail or if there will be a return to some form of repressive rule, but there is at least the possibility of the former and that is worthy of hope.

We all see dictators falling to the will of the people — and to international pressure — in Tunisia and Egypt, while advocates of democracy or at least change continue their fight against the tyrants of Syria, Yemen and in other countries.

As for Libya, just today, Muammar Gadhafi was buried in a secret grave somewhere in his country's vast desert, and his regime has collapsed in a civil war.

After more than 40 years of brutal, bizarre and erratic dictatorship, that country is now free to pursue a new course. We hope it is a more democratic national government and course, but for now the world can still breathe easier that the dictator's threat to world stability and security is over.

It is a great day for thousands upon thousands of people such as Ahmed al-Said, a 46-year-old computer engineer who joined the Libyan rebels. We read of his story in the news reportage. In his hometown of Misrata, they fought off Gadhafi's forces. Together they made an amphibious assault on Libya's capital, Tripoli, and went on to play a key role in its capture.



Libyans stood up and we stepped in. Canada can stand proud of the key role our government, and especially our military, played in facilitating that liberation by protecting Libyan citizens from the predations of their leader and his henchmen. As a Canadian, a senator and an honorary colonel in our air force, I would like to thank our Canadian Forces for helping to protect Libyans as part of the UN-mandated, NATO-led military mission called Operation Unified Protector.

Whether it was our Royal Canadian Navy helping blockade Muammar Gadhafi's regime to support the UN arms embargo, or our Royal Canadian Air Force enforcing the no-fly zone and protecting Libyans from their leader's forces, or RCAF Lieutenant-General Charles Bouchard, who was in overall charge of the NATO military mission, all deserve their nation's thanks and the gratitude of the Libyans who were fighting against Gadhafi's regime.

• (1520)

More than 600 Canadians were directly involved in our seven-month mission and the outcome, the overthrow of Colonel Gadhafi by his own people, must be extremely gratifying to them.

Prime Minister Harper has shared in thanking our forces, and then went on to say:

The Libyan people can finally turn the page on 42 years of vicious oppression and continue their journey toward a better future . . .

. . . .

With the shadow of Gadhafi now lifted from their land, it is our hope that the Libyan people will find peace and reconciliation after this dark period in the life of their nation and we look forward to working with them.

Let us not forget that for decades Libya posed a real threat to international stability — funding terrorism and engaging in it.

The most egregious example was the bombing of Pan Am flight 193 in 1988, which killed all 259 passengers and crew aboard, as well as 11 residents of Lockerbie, Scotland, where the wreckage fell.

Gadhafi also invaded his neighbours, both Chad and Egypt. He tried to acquire nuclear and chemical weapons from China and Pakistan. Of course, there were the endless threats, the boasting, the promises to be a nicer guy, the attempts to be the leading player in the Arab world and in Africa.

While doing all of this, his huge network of informants at home, and agents abroad, ensured his total control of Libyans, wherever they lived. Those who were known to oppose him faced death, and untold numbers were slaughtered over his four decades in power. Gadhafi had a great deal of blood and suffering on his hands. He truly was, as the late U.S. President Ronald Reagan described him, "the mad dog of the Middle East."

I do not stand with those who want Gadhafi's death endlessly investigated. I am pleased, however, that Libya's National Transitional Council is setting up a commission to investigate what happened. That seems like a proper response.

It is time for Libya to move on, and I am sure that no one would agree more than those who fought and supported his overthrow. Let us all be thankful that he is gone and that his regime is no more.

Honourable senators, Canada's response to the UN-mandated, NATO-led operation to check the Gadhafi regime are part of the Canadian government's new and more muscular foreign policy in action. I believe and hope we will see Canada continue to play a growing role on the world stage.

As the Prime Minister has said, Canada has a purpose,

And that purpose is no longer just to go along and get along with everyone else's agenda. It is no longer to please every dictator with a vote at the United Nations.

The UN has pleased dictators, including Colonel Gadhafi. It was truly offensive when it legitimized his regime, and more than once, by electing Libya to the UN Human Rights Council last year, to the UN Security Council before that, and allowing them to preside over the General Assembly just two years ago.

Canada can now confidently declare, and our Prime Minister has given this voice, that now we as a country:

. . . know where our interests lie, and who our friends are. And we take strong, principled positions in our dealings with other nations, whether popular or not . . . and that is what the world can count on from Canada!

I note that in today's newspapers, two former Liberal ministers praise their former governments for advocating R2P — the Responsibility to Protect. They ignore, however, an inconvenient truth: Liberals' cuts to our military, the so-called "decade of darkness," left Canada without the ability to protect others — to help Libyans, for example. It is fine to talk about R2P, but Canada needed the capacity to do it.

As Prime Minister Harper has pointed out, Canada's views now matter — "not just because we now have the tools to act" — meaning a stronger military — "but also the capacity. Because we are no longer in the middle of the pack, but among the world's top performing nations."

Our Prime Minister said:

We are living in a world in which after decades of stable, sometimes stagnant international relationships, change is the new constant.

. . . .

In such a world, strength is not an option; it is a vital necessity. Moral ambiguity, moral equivalence . . . are not options, they are dangerous illusions.



He promised that Canada henceforth will be “the courageous warrior, compassionate neighbour, confident partner.”

Honourable senators, I applaud this clear statement of our intent and our practice by the Prime Minister about where we stand and the direction in which we will go.

Libya was one threat to world peace and stability. Iran, of course, is another. Recently the United States laid charges in what it alleges was an Iranian plot to assassinate the Saudi Arabian Ambassador to the United States on American soil. President Obama said that people in the Iranian government were aware of this plot.

Responding to word of the allegations, Prime Minister Harper stated again that “the regime in Tehran represents probably the most significant threat in the world to global peace and security.” He promised to take these matters very, very seriously and to work with our allies to coordinate next steps.

In fact, within days our Department of Foreign Affairs and International Trade responded with sanctions against five Iranian nationals believed to be complicit in planning the assassination attempt. Four of these men are members of the Iranian Revolutionary Guard. The sanctions place travel restrictions on them and ban any Canadian individual or entity from engaging in financial dealings with them.

Honourable senators, we are all well aware of Iran’s ongoing nuclear program, its efforts to acquire nuclear weapons and the capacity to deliver them from afar. That country, a party to the Nuclear Non-Proliferation Treaty, continues to try by subterfuge what it cannot achieve openly, to get its hands on the sophisticated technology that might help it enrich uranium to a weapons grade standard and assist in other nuclear processes.

The world has for some time known what Iran is up to. That is why there are UN sanctions that oblige member states to stop Iran from obtaining “all items, materials, equipment, goods and technology which could contribute to Iran’s enrichment-related reprocessing or heavy water-related activities, or to the development of nuclear weapons delivery systems.”

Canada’s program of sanctions falls under the United Nations Act administered by our Department of Foreign Affairs and International Trade.

In order to further stymie Iran, individual countries are free to impose their own sanctions, and Canada, working closely with our allies, does this by means of the Special Economic Measures Act. Among other things, these sanctions prohibit exporting or otherwise providing to Iran arms and related material not already banned, items used in refining oil and gas, and items that could contribute to Iran’s proliferation activities; providing or acquiring financial services to allow an Iranian financial institution or branch, subsidiary or office to be established in Canada or vice versa; making any new investment in the Iranian oil and gas sector; and finally, our Foreign Affairs Department monitors exports to Iran through export controls, in particular through the Export and Import Permits Act.

Compliance with the regulations made under these statutes — the United Nations Act, the Special Economic Measures Act and the Export and Import Permits Act — is enforced by the RCMP and the Canada Border Services Agency.

This is our way of helping the Iranian people, just as we found our own unique ways to help the Libyans, the Afghans and the people in all the places where our troops are serving today on some 17 missions abroad, many of them putting our troops in harm’s way. They are there to protect and project our values on the international stage as a model and an inspiration for those seeking freedom.

**Hon. Art Eggleton:** May I ask a question?

**The Hon. the Speaker *pro tempore*:** Honourable Senator Wallin, will you accept a question?

**Senator Wallin:** Yes.

**Senator Eggleton:** I substantially agree with most of the honourable senator’s remarks, although I did note she took a swipe at previous governments with respect to national defence spending. I do not know when that dark period begins or ends. She also related that to the Responsibility to Protect. I wonder how she might relate that to the fact that the first time the Responsibility to Protect was taken up was in 1999, in Kosovo, where the Canadian troops, the air force, again as it has in Libya, punched above its weight and was most instrumental in bringing down the Milosevic regime. That was done under the previous government for which she had some criticism.

**Senator Wallin:** I read the article in the newspaper today with some interest. I know the two gentlemen involved, and they have done good work over the years in their service to the country. My concern relates to how they seemed to embrace the R2P concept as if it were an idea that they had put in place, while inferring that somehow the current government was just following up and embracing it belatedly.

• (1530)

In my comments, my point was that we were unable in many and most situations to offer the kind of extensive, costly support in terms of equipment and people without a military capable of doing so. We would not have been able to respond with the speed that we responded in Libya had we not been in Afghanistan and had we not, during that period of 10 years, increased in a dramatic way the tools available and the protections for the men and women of the Canadian Forces.

**Senator Eggleton:** I beg to differ if there is any suggestion that our troops were ever sent ill prepared into any mission.

In the case of Kosovo, they were quite well prepared. In terms of the responsibility to protect, that was the only time they were called upon in the era prior to the Afghanistan conflict.

**Senator Wallin:** I do not know if that is a question or comment. My comment would be that I do fear that we have sent our troops ill prepared into harm’s way. This government has been intent on rectifying that situation and giving our men and women the support and equipment they need so that that never happens again.



**Hon. Michael Duffy:** Honourable senators, I applaud the honourable senator on her thoughtful and very timely speech.

(On motion of Senator Duffy, debate adjourned)

# STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

## SECOND REPORT OF FISHERIES AND OCEANS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Manning, seconded by the Honourable Senator Meredith, that the second report (interim) of the Standing Senate Committee on Fisheries and Oceans entitled: *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and British Columbia*, tabled in the Senate on October 6, 2011, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Fisheries and Oceans being identified as minister responsible for responding to the report.

**Hon. Elizabeth Hubley:** Honourable senators, I would like to add a few short comments to the debate on this report concerning the de-staffing of lighthouses on the East and West Coasts. I wish to begin by thanking the former chair of this committee — our former colleague — Senator Rompkey for so competently guiding us through this study. I would also like to commend Senator Manning for so ably outlining the contents of this report to the chamber.

Lighthouses are more than simply icons of beauty along our coastline which evoke the romance of the sea. More practically, they represent safety and protection, and act as aids to navigation for crafts on the water for fishing, shipping or recreation. Staffed lighthouses in British Columbia and Newfoundland and Labrador offer a variety of complementary services such as search and rescue, assisting mariners in distress, and weather monitoring for air and sea.

I had the pleasure of visiting both coasts as part of the fact-finding the committee undertook for this study. I agree wholeheartedly with Senator Manning that it is important for Senate committees to not just sit isolated here in Ottawa but, when the subject matter warrants, to travel to other parts of our country to dialogue first-hand with Canadians. I certainly gained a new perspective on the role of staffed lighthouses after visiting several as part of this study.

I was struck by the remoteness of some of these lighthouses and the multi-faceted role lightkeepers play, assisting in search and rescue, providing weather monitoring, assisting hikers and participating in the RCMP's Coastal Watch Program, to name a few.

Although the Coast Guard proposed the de-staffing as a cost-saving measure, the committee was convinced by the overwhelming testimony we heard from coast to coast that

staffed light stations play an essential role that cannot be fulfilled with an automated station. Automated equipment is seen to be unable to compare with the certainty, reliability, knowledge and judgment of an experienced lightkeeper. Fishermen in particular expressed concerns to the committee that the new automated lights were insufficiently bright and less reliable than staffed lights.

I am pleased that the Minister of Fisheries has heeded the committee's recommendation regarding halting immediate plans for de-staffing. Once more, the value of the work of the Senate committee is apparent.

This report had four other recommendations, as Senator Manning outlined. I would reiterate the committee's view that staffed lighthouses provide an opportunity, not a liability. As the committee recommended, before any further discussions take place about de-staffing as a cost saving measure, a full cost-benefit analysis should be conducted on the additional services staffed light stations provide. In fact, many lightkeepers felt there were even more roles they could fulfill while staffing the light station, and opportunities for cost-sharing between departments might be available. These opportunities should be explored.

In conclusion, honourable senators, I commend the committee's report on de-staffing to the chamber. I support the motion that the report be adopted and that the Senate request a detailed and complete response by the government. I look forward to a detailed response from the Minister of Fisheries to all recommendations within the report.

**The Hon. the Speaker pro tempore:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

• (1540)

## CONFLICT OF INTEREST FOR SENATORS

### COMMITTEE AUTHORIZED TO REFER DOCUMENTS FROM PREVIOUS SESSION AND INTERSESSIONAL AUTHORITY

**Hon. Terry Stratton,** pursuant to notice of October 20, 2011, moved:

That the papers and documents received and/or produced by the Committee on Conflict of Interest for Senators during the Third Session of the Fortieth Parliament, and Intersessional Authority be referred to the Committee on Conflict of Interest for Senators.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)



COMMITTEE AUTHORIZED TO MEET DURING  
SITTINGS OF THE SENATE

**Hon. Terry Stratton**, pursuant to notice of October 20, 2011,  
moved:

That, for the duration of the current session, the  
Standing Committee on Conflict of Interest for Senators  
be authorized to sit even though the Senate may then be  
sitting and that rule 95(4) be suspended in relation thereto.

**The Hon. the Speaker:** Is it your pleasure, honourable senators,  
to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Wednesday, October 26, 2011, at  
1:30 p.m.)

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